

## **REMARKS**

### **Examiner Interview**

Applicants thank the Examiner for his insightful and helpful comments given during the telephonic interview conducted on November 4, 2008.

### **Claims under Examination**

Applicants acknowledge that claims 99, 100, 102-104, and 107-115 are pending. By this Amendment and Response, independent claim 99 has been amended and claims 107-115 have been canceled. Claims are amended or canceled to expedite prosecution and such amendments and cancelations are made without prejudice to or disclaimer of the previously claimed subject matter.

### **Summary of the Bases for Rejection**

Claims 99, 100, and 102-104 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

### **Status of the Claims**

In light of the discussion during the Examiner Interview conducted on November 4, 2008, Applicants have amended independent claim 99 to recite “a method of diagnosing lung cancer.” Applicants respectfully submit that the claims as amended are enabled pursuant to 35 U.S.C. § 112, first paragraph, and it is believed that such claims are in condition for allowance. Applicants respectfully request allowance of currently presented claims 99, 100, and 102-104.

### **Sequence Listing**

The Office Action noted that the Sequence Listing submitted July 14, 2008 was not accepted because of errors. Applicants submit herewith substitute Sequence Listing materials, including a substitute “paper” (PDF) Sequence Listing and a substitute computer readable (TXT) Sequence Listing. The invalid alpha numeric headings that appeared globally throughout the Sequence Listing have been deleted. The substitute “paper” (PDF) Sequence Listing and substitute computer readable (TXT) Sequence Listing are identical.

No new matter is included. Applicants respectfully request that the substitute Sequence Listing materials be entered into the specification of the instant application.

**CONCLUSION**

For all of the reasons stated herein, Applicants believe that claims 99, 100, and 102-104 are in condition for allowance and, therefore, respectfully request allowance of claims 99, 100, and 102-104.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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